

AMENDED IN SENATE MAY 21, 2009

AMENDED IN SENATE MAY 5, 2009

**SENATE BILL**

**No. 432**

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**Introduced by Senator Runner**

February 26, 2009

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An act to amend Section 1203c of the Penal Code, relating to restitution.

LEGISLATIVE COUNSEL'S DIGEST

SB 432, as amended, Runner. Crime victims: restitution.

Existing law requires the probation officer of the county from which a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation to send to the department a report of the circumstances surrounding the offense and the prior record and history of the defendant, as specified.

This bill would, in addition, ~~require~~ *authorize* the probation officer of the county from which a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation to send to the department a victim's contact information, if the victim consents, when the court has ordered the defendant to pay restitution to the victim, as specified. This bill would state that the victim's contact information would remain confidential, as specified. ~~By imposing additional duties on probation officers, this would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1203c of the Penal Code is amended to  
2 read:

3 1203c. (a) (1) Notwithstanding any other provisions of law,  
4 whenever a person is committed to an institution under the  
5 jurisdiction of the Department of Corrections and Rehabilitation,  
6 whether probation has been applied for or not, or granted and  
7 revoked, it shall be the duty of the probation officer of the county  
8 from which the person is committed to send to the Department of  
9 Corrections and Rehabilitation a report of the circumstances  
10 surrounding the offense and the prior record and history of the  
11 defendant, as may be required by the Secretary of the Department  
12 of Corrections and Rehabilitation.

13 (2) If the person is being committed to the jurisdiction of the  
14 department for a conviction of an offense that requires him or her  
15 to register as a sex offender pursuant to Section 290, the probation  
16 officer shall include in the report the results of the State-Authorized  
17 Risk Assessment Tool for Sex Offenders (SARATSO) administered  
18 pursuant to Sections 290.04 to 290.06, inclusive, if applicable.

19 (b) These reports shall accompany the commitment papers. The  
20 reports shall be prepared in the form prescribed by the administrator  
21 following consultation with the Corrections Standards Authority,  
22 except that if the defendant is ineligible for probation, a report of  
23 the circumstances surrounding the offense and the prior record  
24 and history of the defendant, prepared by the probation officer on  
25 request of the court and filed with the court before sentence, shall  
26 be deemed to meet the requirements of paragraph (1) of subdivision  
27 (a).

28 (c) In order to allow the probation officer an opportunity to  
29 interview, for the purpose of preparation of these reports, the  
30 defendant shall be held in the county jail for 48 hours, excluding  
31 Saturdays, Sundays and holidays, subsequent to imposition of  
32 sentence and prior to delivery to the custody of the Secretary of  
33 the Department of Corrections and Rehabilitation, unless the

1 probation officer has indicated the need for a different period of  
2 time.

3 (d) Whenever a person is committed to an institution under the  
4 jurisdiction of the Department of Corrections and Rehabilitation  
5 and the court has ordered the person to pay restitution to a victim,  
6 the following shall apply:

7 (1) If the victim consents, the probation officer of the county  
8 from which the person is committed ~~shall~~ *may* send to the  
9 Department of Corrections and Rehabilitation the victim's contact  
10 information and a copy of the restitution order for the purpose of  
11 distributing the restitution collected on behalf of the victim.

12 (2) The contact information shall remain confidential and shall  
13 not be made part of the court file or combined with any public  
14 document.

15 ~~SEC. 2. If the Commission on State Mandates determines that~~  
16 ~~this act contains costs mandated by the state, reimbursement to~~  
17 ~~local agencies and school districts for those costs shall be made~~  
18 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
19 ~~4 of Title 2 of the Government Code.~~